

**United States District Court
for the District of Massachusetts
Report on Offender Under Supervision**

Name of Offender: Darnell Upshaw

Case Number: 0101 1:15CR10395

Name of Sentencing Judicial Officer: Honorable George A. O'Toole, U.S. District Judge

Date of Original Sentence: September 13, 2016

Original Offense: UNLAWFUL TRANSPORT OF FIREARMS - ETC. 18:922G.F

Original Sentence: 18 Months of custody followed by 36 Months supervised release

Type of Supervision: Term Of Supervised Release **Date Supervision Commenced:** November 18, 2016

NON-COMPLIANCE SUMMARY

Violation Number **Nature of Noncompliance**

I **Violation of Mandatory Condition:** The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

According to a Brockton Police Department Field Interview Report, on March 24, 2017, officers initiated a traffic stop on an illegally parked car in a no parking area across from Mr. Upshaw's residence. Officers spoke with both the operator of the motor vehicle as well as the passenger, who was identified as Darnell Upshaw. Mr. Upshaw's daughter was seated in the backseat behind him.

Officers saw that there was an open container of alcohol between the front passenger seat and center console. The operator of the motor vehicle also had a suspended license. She was removed from the vehicle and eventually allowed to leave with the child. Mr. Upshaw, who had a knife clipped to his right front pants pocket, was removed from the car. Officers removed the knife and conducted a pat-frisk search. Additionally, a pat-frisk search was conducted on the passenger compartment area of the motor vehicle before allowing Mr. Upshaw to move the vehicle. No other weapons were found.

Officers viewed the knife and discovered that it was spring assisted. They advised Mr. Upshaw that it was illegal and subsequently confiscated it. Both Mr. Upshaw and the operator of the motor vehicle were given verbal warnings.

U.S. Probation Officer Action:

The probation office respectfully requests no court action at this time. The probation office has addressed this incident with Mr. Upshaw who informs that he was unaware that the knife he was carrying was illegal, stating it was small but did have a small spring opening feature. Nonetheless, Mr. Upshaw was verbally reprimanded and has been put on notice with regard to the seriousness of this instance as well as any future violations of this condition going forward. The probation office will continue to monitor Mr. Upshaw's case closely and keep the

court apprised of any future violation conduct.

Reviewed/Approved by:

/s/ *Basil F Cronin*
Basil F Cronin
Supervision U.S. Probation Officer

Respectfully submitted,

/s/ *Erin K Hennemann*
by Erin K Hennemann
U.S. Probation Officer
Date: 4/19/2017

No Response is necessary unless the court directs that additional action be taken as follows:

- Approved
- Submit a Request for Modifying the Conditions or Term of Supervision
- Submit a Request for Warrant or Summons
- Other

/s/ *George A. O'Toole, Jr.*
Signature of Judicial Officer

4/26/2017
Date
